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Appl. No.10/022, 708
Amdt. Dated March 2, 2007
Reply to Office Action of July 11, 2006**REMARKS**

Applicants thank the Examiner for the indication of allowable subject matter in claims 1-11 and 13-15. Applicants have modified claim 16 by this amendment to now specify that it depends from claim 12. Accordingly, Applicants request that the Examiner withdraw the objection to claim 16.

Applicants respectfully request reconsideration of the prior art rejections set forth by the Examiner under 35 U.S.C. § 103 based on the combination of the Kinugasa United States patent number 5,043,817 and the Beckett United States patent number 5,852,502. Applicants recognize that this is the same rejection set forth by the Examiner in the prior office action and Applicants have carefully reviewed the Examiner's explanation of the rejection and the details of the disclosure for each of the references relied upon by the Examiner in making this rejection. Applicants respectfully submit that the proposed combination of references does not disclose or suggest Applicants presently claimed invention. More specifically, the combination of imaging devices described in these references would not result in Applicants presently claimed invention.

Applicants presently claimed invention as specified in independent claim 12 is directed to an image scanner having a first group of color sensor devices and a second group of monochrome sensor devices formed on the same chip. The claim further requires a driving means which stops the charge-transfer driving of the signal charges for the color sensors during a reading period of time for the monochrome sensors.

Applicants respectfully submit that there is simply no teaching or suggestion whatsoever regarding an imaging device having both color and monochrome sensors in a single chip

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wherein the charge transfer driving of the signal charges for the color sensors during a reading period of time for the monochrome sensors is stopped. More specifically, the claim requires that while reading signals from the monochrome sensors and therefor during the period of time within which charges from the monochrome sensors are transferred, there is no transfer of charge from the color sensors.

As even recognized by the Examiner, nothing in Kinugasa teaches or suggests Applicant's currently claimed invention because this reference does not even describe a reading period for a monochrome sensor. The Examiner of appears to attempt to overcome this deficiency by the disclosure of the Beckett reference because it does describe the use of a monochrome sensor. Significantly, however, neither of the references describes stopping the charge transfer driving signal charges from the color sensors during a reading period of time for the monochrome sensor.

Applicants submit that the combination of references fails to meet the plain limitations of the claim, which require that during a read-out period of a first group of sensors, transfer driving of one of the groups of sensors is stopped. As described above, Kinugasa clearly discloses throughout the specification that all of the charge-transfer portions 17 are always driven simultaneously and at the same rate.

For at least the reasons cited above in regard to the Kinugasa reference, Applicants submit that the 35 U.S.C. §103(a) rejection must be withdrawn, and claim 12 be placed in condition for allowance. Furthermore, Beckett fails to teach or suggest anything regarding the stopping of the driving of the color sensors, or the use of different

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read-out timings applied to each group of sensors. Rather, Beckett actually teaches away from it (See Column 2, lines 35 – 41, which teaches the simultaneous driving of both sensors). Applicants note that the Court of Appeals for the Federal Circuit has held that “It is improper to combine references where the references teach away from their combination.” *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983). Applicants note that the Examiner has failed to address this argument in the last Office Action. Applicants respectfully request the Examiner assert further arguments as to why one of ordinary skill in the art would be motivated to combine these references, in light of the teaching away, or else place this claim in condition for allowance.

For these reasons also, Applicants submit that the 35 U.S.C. §103(a) rejection must be withdrawn, and claim 12 be placed in condition for allowance

Respectfully submitted,

Date: 3/2/07

(Reg. #37601)

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